

**REMARKS**

This communication is in response to the Office Action mailed on November 2, 2006, and the references cited therewith.

At the outset and before addressing the rejections raised in the Official Action, the Applicants have amended independent claim 1, 6, 10 and 15 to more recite the invention with more particularity. Editorial amendments were also made in claims 3, 8, 12 and 17. Support for the amendments to the independent claims is found in the specification as filed on page 7, lines 11-14 in view of FIG. 4. The Applicants respectfully submit that no new subject matter has been entered via the amendments herein.

Claims 1, 3, 6, 8, 10, 12, 15 and 17 have been amended and no claims have been cancelled. As a result, claims 1-18 are pending in this application.

**§ 102 Rejections of Claims 1-5 and 10-14**

Claims 1-5 and 10-14 were rejected pursuant to 35 U.S.C. § 102(b), as anticipated by Gasper *et al.* (U.S. Patent No. 5,689,618) (hereinafter “Gasper”).

Gasper is directed to tools for speech synchronized animation. Gasper discloses an animation user interface (interFACE) that enables a user to create and control animated lip-synchronized images or objects, e.g., synchronized actors (“synactors”). More specifically, Gasper discloses a real-time random-access interface driver (RAVE) together with a descriptive authoring language (RAVEL) are used to create and program synactors to perform actions, including speech, which are not pre-stored records of previously enacted events. Animation and sound synchronization are produced automatically and in real-time. (See Gasper, Col. 2, line 67 – Col. 3, line 10). To make a synactor speak, the text to be spoken is input into the system (using a keyboard) and broken down into *phonetic components*. Thereafter, the sound corresponding to each phonetic component is generated through a speaker and an image of the synactor corresponding to that phonetic component is simultaneously presented on a display device. (See Gasper, col. 3, lines 48-58).

Furthermore, a new or edited synactor is saved as a part of a file called a synactor resource, which contains both the audio and visual characteristics of the synactor. (See Gasper,

Col. 7, lines 58-62; and Col. 8, lines 28-33). The internal data structures that comprise the synactor include a voice table 121, a dynamic synactor record (DAR) 125 and synactor model block record 129. The voice table is a variable size table comprising a list of handles to DAR records 125. The DAR handle is a pointer to a synactor model, while the synactor model is stored in memory. One of the data fields in the DAR 125 is a model handle which holds the location of a model pointer 127 that points to an associated synactor model block record 129. (See Gasper, Col. 23, lines 1-14; and Col. 24, lines 10-29).

Gasper further discloses a preferred embodiment for speech synchronized animation referred to as phonetic proportionality. First, a user enters the text desired to be pronounced by the synactor. Second, a corresponding prerecorded digitized *sound resource* is retrieved and its length in time ticks (60<sup>th</sup> of a second) is measured and stored. Thereafter, using a phonetic string that corresponds to the entered text (and the recorded sound), corresponding sound utterances from the sound resource are converted to a list of phocodes. (See Gasper, Col. 31, lines 24-30). The phocodes are then mapped to a lookup table of relative timing values, which provides a time value for each associated synactor face or position image. The timing value table can be coded in the interFACE program for general use or generated from the RAVEL file using extensions to the RAVEL language to provide a unique voice for the synactor. (See Gasper, Col. 31, lines 30-39). The list of phocodes and associated timing values represent the synchronization of the synactor facial images to the corresponding sound. (See Gasper, Col. 32, lines 11-13).

In traversing the rejection of independent claims 1 and 10, the Applicants respectfully submit that Gasper is defective in that it fails to disclose a gaming machine and a method for conducting a wagering game, as particularly recited in independent claims 1 and 10. More specifically, Gasper does not disclose “storing an audio file..., the audio file including a marker and an audio sequence,” and “playing the audio file, including playing the audio sequence and initiating a game-related event in response to detecting the marker,” as particularly recited in claims 1 and 10. That is, the passages cited by the Examiner in reference to FIG. 10 fail to disclose these features and disclose only the internal data structures of the synactor as described hereinabove. However, Gasper does not disclose storing a marker in an audio resource and initiating a game-related event in response to detecting the marker in the audio resource being played. More specifically, Gasper synchronizes its audio resource (audio file) to facial images

by generating a list of phocodes using the audio resource and associating timing values with each phocode. In view of the foregoing, Gasper clearly illustrates that it does not include a marker in the audio resource (audio file), but rather generates a list of phocodes and associates a timing value with each of the phocodes. Thus, the list of phocodes and timing values are separate and distinct from the audio resource (audio file) and represent a different synchronization technique. Consequently, Gasper fails to disclose “storing an audio file..., the audio file including a marker and an audio sequence,” and “playing the audio file, including playing the audio sequence and initiating a game-related event in response to detecting the marker,” as particularly recited in independent claims 1 and 10.

In view of the foregoing, the Applicants respectfully request the Examiner to withdraw the rejection of independent claims 1 and 10 pursuant to 35 U.S.C. § 102(b). The Applicants further respectfully request the Examiner to withdraw the rejection of 2-5 and 11-14 pursuant to 35 U.S.C. § 102(b), based at least on their respective dependencies, whether direct or indirect, from the independent claims 1 and 10.

§ 103 Rejections of Claims 6-9 and 15-18

Claims 6-9 and 15-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gasper (U.S. Patent No. 5,689,618).

In traversing the rejection of independent Claims 6 and 15, the Applicants respectfully submit that Gasper is defective in that it fails to teach or suggest a gaming machine and a method for conducting a wagering game, as particularly recited in independent claims 6 and 15. More specifically, Gasper does not teach or suggest “storing an audio file..., the audio file including a plurality of markers and a plurality of audio sequences interlaced between the markers,” and “playing the audio file, including successively playing the audio sequences and initiating game-related events...in response to detecting the respective markers,” as particularly recited in claims 6 and 15. That is, the passages cited by the Examiner in reference to FIG. 10 fail to teach or suggest the respective limitations of claims 6 and 15, and teach only the internal data structures of the synactor as described hereinabove. As already argued above, Gasper synchronizes its audio resource (audio file) to facial images by generating a list of phocodes using the audio resource and associating timing values with each phocode. In view of the foregoing, Gasper

clearly illustrates that it does not include markers in the audio resource (audio file), but rather generates a list of phocodes and associates a timing value with each of the phocodes. Thus, the list of phocodes and timing values are separate and distinct from the audio resource (audio file) and represent a different synchronization technique. Consequently, the Applicants respectfully submit that Gasper does not teach or suggest “storing an audio file..., the audio file including a plurality of markers and a plurality of audio sequences interlaced between the markers,” and “playing the audio file, including successively playing the audio sequences and initiating game-related events...in response to detecting the respective markers,” as particularly recited in claims 6 and 15.

In view of the foregoing, the Applicants respectfully request the Examiner to withdraw the rejection of independent claims 6 and 15 pursuant to 35 U.S.C. § 103(a). The Applicants further respectfully request the Examiner to withdraw the rejection of claims 7-9 and 16-18 based at least on their respective dependencies, whether direct or indirect, from the independent claims 6 and 15.

**AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111**

Serial Number: 10/658,975

Filing Date: September 10, 2003

Title: GAMING MACHINE WITH AUDIO SYNCHRONIZATION FEATURE

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Dkt: 1842.041US1

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and respectfully solicit notification to that effect. The Examiner is invited to telephone Applicants' attorney at (516) 203-7270 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 2 day of February 2007.

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